

E-filed 2/10/06

1 MICHAEL H. KING (Admitted)
2 SPENCER R. WOOD (Admitted *Pro Hac Vice*)
3 LEBOEUF, LAMB, GREENE & MACRAE LLP
4 Two Prudential Plaza
5 180 North Stetson Avenue, Suite 3700
6 Chicago, Illinois 60601
7 Telephone: (312) 794-8000
8 Facsimile: (312) 794-8100

5 SETH W. WIENER (State Bar No. 203747)
6 LEBOEUF, LAMB, GREENE & MACRAE LLP
7 One Embarcadero Center, Suite 400
8 San Francisco, CA 94111-3619
9 Telephone: (415) 951-1100
Facsimile: (415) 951-1180

10 Attorneys for Plaintiff
11 EDO Reconnaissance and Surveillance Systems, Inc.

12 **IN THE UNITED STATES DISTRICT COURT**

13 **NORTHERN DISTRICT OF CALIFORNIA**

14 **SAN JOSE DIVISION**

15 EDO RECONNAISSANCE AND
16 SURVEILLANCE SYSTEMS, INC., a Delaware
17 Corporation,

18 Plaintiff,

19 v.

20 PHOENIX LOGISTICS, INC., an Arizona
21 Corporation, RAYMOND BELLEFEUILLE, an
22 individual, and CLAIRE BELLEFEUILLE, an
23 individual,

24 Defendants.

25 Case No. C 05-02789 JF

26 **STIPULATION AND PROPOSED
ORDER EXTENDING TIME TO
COMPLETE EARLY NEUTRAL
EVALUATION**

27 WHEREAS, on November 18, 2005, the Court held a case management conference in this
28 action, and ordered Plaintiff EDO Reconnaissance and Surveillance Systems, Inc. ("EDO RSS") and
Defendant Phoenix Logistics, Inc. ("PLI") to complete an Early Neutral Evaluation on or before
March 17, 2006;

WHEREAS, on December 20, 2005, the Alternative Dispute Resolution Clerk appointed
Paul A. Renne, Esq. as the Early Neutral Evaluation Evaluator;

WHEREAS, on January 27, 2006, Mr. Renne held a telephone conference to discuss
scheduling of the Early Neutral Evaluation and learned that the parties have been arbitrating another

1 dispute and are awaiting a final arbitration award, which is due by March 2, 2006. Mr. Renne
2 scheduled the Early Neutral Evaluation for March 3, 2006, at 9:00 a.m., but stated that the Early
3 Neutral Evaluation would likely be more productive if it occurred after the parties have resolved
4 anticipated motions relating to the legal impact of the final arbitration award on this action and a
5 related state court action. Accordingly, Mr. Renne suggested that the parties seek an Order
6 extending the deadline to complete the Early Neutral Evaluation, and the parties agreed to do so.

7 WHEREFORE, IT IS HEREBY STIPULATED by and between Plaintiff EDO
8 Reconnaissance and Surveillance Systems, Inc. and Defendants Phoenix Logistics, Inc. that the
9 deadline to complete an Early Neutral Evaluation in the above-captioned action is extended from
10 March 17, 2006 to May 17, 2006.

11 SO STIPULATED:

12
13 Dated: February 8, 2006 LEBOEUF, LAMB, GREENE & MACRAE LLP

14
15 By: /S/ Seth W. Wiener
16 Seth W. Wiener
17 Attorney for Plaintiff EDO RECONNAISSANCE
18 AND SURVEILLANCE SYSTEMS, INC.,

19
20 Dated: February 8, 2006

21 By: /S/ Mark L. Venardi
22 Mark L. Venardi
23 Attorney for Defendants PHOENIX LOGISTICS,
24 INC.

25 IT IS HEREBY ORDERED that the deadline to complete an Early Neutral Evaluation in
26 the above-captioned action is extended from March 17, 2006 to May 17, 2006.

27 SO ORDERED:
28

10

Dated: February ___, 2006



United States District Court Judge Jeremy Fogel

PROOF OF SERVICE

I, Donna Karbach, declare:

I am employed in the City and County of San Francisco, California. I am over the age of eighteen and not a party to the within cause; my business address is LeBoeuf, Lamb, Greene & MacRae LLP, One Embarcadero Center, Fourth Floor, San Francisco, California 94111. On February 8, 2006, I caused to have served the following document(s) in the manner indicated on the below-named parties and/or counsel of record:

• STIPULATION AND PROPOSED ORDER EXTENDING TIME TO COMPLETE EARLY NEUTRAL EVALUATION

- U.S. Mail, with First Class postage prepaid and deposited in sealed envelopes at San Francisco, California.

Federal Express

Facsimile transmission

Electronic filing

Email

Mark L. Venardi
H. Larry Elam III
Venardi – Elam LLP
The Ordway Building, Suite 445
One Kaiser Plaza
Oakland, CA 94612
Tel: (510) 452-4300
Fax: (510) 452-4303
mvenardi@vetrialattys.com

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that I am readily familiar with this firm's practice for the collection and processing of documents for mailing with the U.S. Postal Service and the collection and processing of correspondence with Federal Express, and the transmittal of facsimile and that this declaration was executed on February 8, 2006, at San Francisco, California.

/S/ Donna Karbach
Donna Karbach